

ELECTION WITH TRAVERSE

Examiner states that the inventions are distinct and therefore, restriction is proper because the inventions have acquired a separate status as shown by their different classification, because the search required for Group I is not required for Group II, and because these inventions have acquired a separate status in the art because of their recognized divergent subject matter.

For a requirement for restriction to be proper, (i) the inventions must be independent or distinct as claimed, and (ii) there must be a serious burden on the examiner. MPEP § 803. Applicant submits that both Groups are commonly related to an automatic flush valve actuation apparatus having flexible properties. Therefore, although Examiner has placed the Groups in separate classifications, commonly searching the two groups would prove efficient and not place a serious burden on Examiner. More specifically, Claims 1-27 describe a drive mechanism for a flushing apparatus including a "flexible drive system" and Claims 34-40 include a "flexible drive mechanism." Similarly, Claims 28-33 include an "electromagnetic flexible actuator." Therefore, Group I and Group II have claimed similar flexible properties which would be efficiently searched together.

In conclusion, Applicant respectfully requests that Examiner withdraw the restriction and search all pending claims in the current application. If Examiner decides not to withdraw the restriction, Applicant respectfully elects Group I, encompassing Claims 28-33.

Respectfully submitted,



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